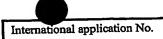# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
### (Chapter II of the Patent Cooperation Treaty)

### (PCT Article 36 and Rule 70)

| Applicant's or agent's file reference | FOR FURTHER ACTION    See Form PCT/IPEA/416 | |
|---|---|---|
| HM/PH/8299INT | | |
| International application No. | International filing date *(day/month/year)* | Priority date *(day/month/year)* |
| PCT/IB 2002/005576 | 18-12-2002 | --- |

International Patent Classification (IPC) or national classification and IPC

H04Q 7/00, G06F 13/00, H04L 29/06

Applicant

NOKIA CORPORATION ET AL

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of __10__ sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

   a. ☐ *(sent to the applicant and to the International Bureau)* a total of _____ sheets, as follows:

   ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

   ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

   ☒ Box No. I       Basis of the report

   ☐ Box No. II      Priority

   ☒ Box No. III     Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

   ☐ Box No. IV      Lack of unity of invention

   ☒ Box No. V       Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

   ☐ Box No. VI      Certain documents cited

   ☐ Box No. VII     Certain defects in the international application

   ☐ Box No. VIII    Certain observations on the international application

| Date of submission of the demand | Date of completion of this report |
|---|---|
| 01-07-2004 | 03-03-2005 |
| Name and mailing address of the IPEA/SE<br>Patent- och registreringsverket<br>Box 5055<br>S-102 42 STOCKHOLM<br>Facsimile No. +46 8 667 72 88 | Authorized officer<br><br>Behroz Moradi /LR<br>Telephone No. +46 8 782 25 00 |

Form PCT/IPEA/409 (cover sheet) (January 2004)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/IB 2002/005576

| Box No. I | Basis of the report |
|---|---|

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐ This report is based on a translation from the original language into the following language _____ , which is the language of a translation furnished for the purposes of:

        ☐ international search (under Rules 12.3 and 23.1(b))

        ☐ publication of the international application (under Rule 12.4)

        ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

   ☒ the international application as originally filed/furnished

   ☐ the description:

        pages _____ as originally filed/furnished

        pages* _____ received by this Authority on _____

        pages* _____ received by this Authority on _____

   ☐ the claims:

        pages _____ as originally filed/furnished

        pages* _____ as amended (together with any statement) under Article 19

        pages* _____ received by this Authority on _____

        pages* _____ received by this Authority on _____

   ☐ the drawings:

        pages _____ as originally filed/furnished

        pages* _____ received by this Authority on _____

        pages* _____ received by this Authority on _____

   ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

        ☐ the description, pages _____

        ☐ the claims, Nos. _____

        ☐ the drawings, sheets/figs _____

        ☐ the sequence listing *(specify)*: _____

        ☐ any table(s) related to the sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

        ☐ the description, pages _____

        ☐ the claims, Nos. _____

        ☐ the drawings, sheets/figs _____

        ☐ the sequence listing *(specify)*: _____

        ☐ any table(s) related to the sequence listing *(specify)*: _____

\* *If item 4 applies, some or all of those sheets may be marked "superseded."*

Form PCT/IPEA/409 (Box No. I) (January 2004)

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| Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
|---|---|

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐    the entire international application

☒    claims Nos. <u>115-116</u> _____

because:

☒    the said international application, or the said claims Nos. <u>115-116</u> _____
relate to the following subject matter which does not require an international preliminary examination *(specify)*:

- A mobile terminal substantially as hereinbefore described with reference to and/or as shown in the accompanying drawings.
- Any novel subject matter or combination including novel subject matter disclosed, whether or not within the scope of or relating to the same invention as the preceding claims.

☐    the description, claims or drawings *(indicate particular elements below)* or said claims Nos. _____
are so unclear that no meaningful opinion could be formed *(specify )*:

☐    the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐    no international search report has been established for said claims Nos. _____

☐    the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the
Administrative Instructions in that:

the written form      ☐   has not been furnished

                        ☐   does not comply with the standard

the computer readable form   ☐   has not been furnished

                        ☐   does not comply with the standard

☐    the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with
the technical requirements provided for in the Annex C-*bis* of the Administrative Instructions.

☐    See Supplemental Box for further details.

Form PCT/IPEA/409 (Box No. III) (January 2004)

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
|---|---|

1. Statement

| | | | YES / NO |
|---|---|---|---|
| Novelty (N) | Claims | _____ | YES |
| | Claims | 1-114 _____ | NO |
| Inventive step (IS) | Claims | _____ | YES |
| | Claims | 1-114 _____ | NO |
| Industrial applicability (IA) | Claims | 1-114 _____ | YES |
| | Claims | _____ | NO |

2. Citations and explanations (Rule 70.7)

Cited documents in the International Search Report:

D1: US 2002165000 A1
D2: EP 1130869 A
D3: WO 0193047 A
D4: US 2002035605 A
D5: US 2002126701 A1
D6: WO 0193047 A
D7: EP 1130869 A
D8: WO 02073332 A
D9: US 2002129103 A1

D1 describes a system, a method and a mobile telephone for transmission of instant messages to and from a mobile device. The mobile terminal (= wireless communication device) arranged to provide a user with a selectable option **during** a telephone call with a first party (= other users), the selection of which initiates communication with the first party by instant messaging, ([9]-[10], [32], [42]). The user can thus receive at least a portion of an instant message **while** the wireless communications device is active, **independent of whether a voice or data connection is in progress**. According to the method the users can change the mechanism (= change in the user's connection state) by which a first party and a second party communicate **during** a communication session, ([33]-[34]). One or more options are offered to the user via a display, ([32]). The option automatically establishes a connection, ([42]). The system provides communication between the first and the second parties using a telephone call and instant messaging. One or more mobile switching centres (MSC) are connected to each signal transfer points.

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| Supplemental Box |
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In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

The MSC is a combination of hardware and software that performs switching and controls calls to and from other telephone and data systems, ([29]). An application is arranged in the mobile telephone to display to a user a presence attribute indicator for a first party with an entry associated with the telephone number of the first party (= proxy server transmits presence information to the instant messaging service indicating that the user is online),([32]).

D1 describes instant messaging service provision method for wireless communication device, involves maintaining information indicating online presence of user, transmitted to messaging service even after termination of data connection. The mobile terminal (= wireless communication device) is arranged to provide a user with a selectable option during a telephone call with a first party (= other users), the selection of which initiates communication with the first party by instant messaging, ([9]-[10], [32], [42]). According to the method the users can change the mechanism (= change in the user's connection state) by which a first party and a second party communicate **during a communication session**, ([33]-[34]). One or more options are offered to the user via a display, ([32]). The option automatically establishes a connection, ([42]). The system provides communication between the first and the second parties using a telephone call and instant messaging. One or more mobile switching centres (MSC) are connected to each signal transfer point. The MSC is a combination of hardware and software that performs switching and controls calls to and from other telephone and data systems, ([29]). An application is arranged in the mobile telephone to display to a user a presence attribute indicator for a first party with an entry associated with the telephone number of the first party (= proxy server transmits presence information to the instant messaging service indicating that the user is online),([32]). Data connection is established between the data communication device and data communication network, on receiving an indication that the device is placed in active state. The information indicating that the user is online is transmitted from the proxy server to the instant messaging service, and the information is maintained until the device remains in the active state, even after terminating the data connection.

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**Supplemental Box**

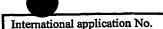In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

Allows the user to log into the instant messaging service through the data connection without changing the user's connection state even when the data connection is terminated, thereby the communication device is enabled to receive portion of the message without maintaining data connection with the network. It uses for providing instant messaging service to and from wireless communication devices such as wireless telephones, PDAs, laptop computers, etc.

D2 describes a user profile database used in unified instant messaging systems, has customizable user profile describing user environment representing physical location and/or logical context of user. The database has customizable profile for each user, which can be created, edited and/or deleted by the user. Each user profile describes user environment representing physical location and/or logical context of the user. The database is used in unified instant messaging systems such as cellular phones, personal digital assistants, e-mail, facsimile or voice mail. Also used in field of mobile multimedia systems, computer networking, distributed processing systems, databases, hand-held computer and wireless communication. The user Enables direct access to personal instant message broker user profile information, with accounting information. The subscribers are allowed to create and/or modify existing user profile, depending on the changes in their environment, using a customizable logical user space. This allows to define the currently used devices and to define different profiles for different situations. Anytime the current active context indicator can be switched to another profile, (pages 1-7).

D3 describes a method for performing wireless mobile instant messaging between mobile communication devices and clients using a target identifier to identify a message sent without queuing by a data gateway. A mobile station transmits a message and a target identifier which is routed by the gateway without storing of queuing by obtaining the current location of the destination mobile station from a visitor location register (VLR). The mobile station is connected over an air

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**Supplemental Box**

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Continuation of: Box V

interface to a fixed equipment network with a base transceiver controlled by a base station controller connected to a mobile data gateway coupled to a dispatch application processor for facilitating dispatch of calls. The user Profile Database Access Client and Server Units (claims 1-10).

D4 describes a computing platform for mobile commerce, provides instant messaging service, commercial message to subscriber based on data concerning network presence and physical location of subscriber. An instant messaging module provides instant messaging service for the subscribers, by using data concerning network presence of subscribers that is maintained in presence server. Data concerning network presence and physical location of subscriber. An instant messaging module provides instant messaging service for the subscribers, by using data concerning network presence of subscribers that is maintained in presence server. A campaign manager module provides commercial message and mobile commerce service to subscribers selected based on the data concerning network presence and the physical location data which is maintained by a location proxy server. The computing platform in integrated presence location instant messaging and mobile service (PLIM) system, for facilitating communication and mobile service across Internet. The method enables wireless instant messaging with mobile buddy list capability and enables merchant initiated mobile commerce. Allows network elements to function more efficiently, eliminates unnecessary and resource consuming SMS delivery re-attempts. The method ensures that mobile commerce is conducted without comprising privacy of subscriber, ([14] - [24]).

D5 provides a system and methods for using an application layer control protocol transporting spatial location information pertaining to devices connected to wired and wireless internet protocol networks. The method involves receiving application layer signalling from users registering for the presence service. The signalling is checked for spatial location information. The spatial location information is stored for use in providing the presence service. The method uses for instant messaging and presence in UMTS. The method provides solution for implementing instant messaging and presence using application layer control signalling, ([9] - [41]).

.../...

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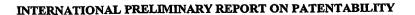
**Supplemental Box**

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Continuation of: Box V

D6 describes a system and a method performing wireless mobile instant messaging between mobile communication devices and clients using a target identifier to identify a message sent without queuing by a data gateway. The mobile station transmits a message and a target identifier which is routed by the gateway without storing of queuing by obtaining the current location of the destination mobile station from a visitor location register. A mobile station is connected over an air interface to a fixed equipment network with a base transceiver controlled by a base station controller connected to a mobile data gateway coupled to a dispatch application processor for facilitating dispatch of calls, (claims 1 - 10).

D7 describes a user profile database used in unified instant messaging systems, has customizable user profile describing user environment representing physical location and/or logical context of user. The database has customizable profile for each user, which can be created, edited and/or deleted by the user. Each user profile describes user environment representing physical location and/or logical context of the user. The database enables direct access to personal instant message broker user profile information, with accounting information. The subscribers are allowed to create and/or modify existing user profile, depending on the changes in their environment, using a customizable logical user space, ([49] - [63]).

D8 describes a method and a system for communicating ID information from terminal to network with primitive with structure recognized by other entity by providing primitive identifying client also with information element identifying user of client. The method involves providing a primitive with an information element (Own-Client-ID) may identify a client of the terminal device. It also provides the primitive identifying the client also with an information element (Own-User ID) identifying a user of the client.

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**Supplemental Box**

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Continuation of: Box V

There are included for: A system for communicating identification information over a network, A device for communicating identification information over a network with a primitive having information elements with a structure recognized by at least one other entity able to communicate over the network, A server for communicating identification information over a network with a primitive having information elements with a structure recognized by at least one other entity able to communicate over the network, (page 2-4).

D9 describes a method for updating presence information between server and client, involves immediately forwarding or delaying forwarding of update response to client, based on comparison of version numbers of client and server. An update request including the version number associated with presence information is transmitted from client to the server. If the version number in the update request matches with the version number associated with presence data at the server, forwarding of presence information update response to the client is delayed. Otherwise, the presence information update response is immediately forwarded to the client. The method uses for updating presence information between client and server in instant messaging system using wireless network, Internet, etc. Quick updating of presence information between client and server, by utilizing instant messaging and presence services is allowed, ([5]).

The single general concept of the present application is the teaching that a mobile telephone terminal is arranged to provide a user with a selectable option **during** a telephone call or instant messaging with a first party, the selection of which initiates communication with the first party by instant messaging or telephone call. Furthermore in one embodiment the telephone has at least one application arranged to display to a user a presence attribute indicator for a first party with an entry associated with the telephone number of the first party. The telephone is arranged to provide a customised menu of selectable option for initiating communication with the first party.

.../....

| Supplemental Box |
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Continuation of: Box V

Thus, the single general concept is known and cannot be considered as a single general inventive concept in the sense of Rule 13.1 PCT. Consequently, the invention according to claim 1 is not new and lacks novelty.

That the users can change the mechanism (= change in the user's connection state in D1) **during** a communication session is well known for example from D1. Thus, the invention defined in claims 13-15, 27-29 and 77-78 is not new and consequently lacks novelty.

That the user can manipulate/control his profile through different means like a user interface, SMS, or a client application is well known for example from D2 or D3. The method and system according to claims 55-58 is known for example from D2 (page 1-7) or D3 (claims 1 - 10) separately. Thus, the invention defined in claims 55-58 is not new and consequently lacks novelty.

That the mobile terminal comprise an instant messaging client for participating(= shearing) in an instant messaging with one or more parties and an arranged calendar to store the content of an instant messaging dialogue in an appointment record is known from D1 or D4 ([14] - [24]) separately. Thus, the invention defined in claims 96-97 and 109-110 is not new and consequently lacks novelty.

Remaining claims don't appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step, since the single general concept is known and said features fall within the scope of the customary practice followed by persons skilled in the art or common knowledge in the field.